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Attorney Docket No.: 023070-103031US
Client Ref. No.: 1992-383-6

Box DAC
Assistant Commissioner for Patents
Washington, D.C. 20231

On October 15, 2002

TOWNSEND and TOWNSEND and CREW LLP

By: Jeanine Anne Goldberg

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

NOBORI et al.

Application No.: 09/780,114

Filed: February 9, 2001

For: METHOD FOR DETECTION OF
THE PRESENCE OR ABSENCE OF
METHYLTHIOADENOSINE
PHOSPHORYLASE (MTASE) IN A
CELL SAMPLE BY DETECTION OF
THE PRESENCE OR ABSENCE OF
MTASE ENCODING NUCLEIC ACID
IN THE CELL SAMPLE

Examiner: Jeanine Anne Goldberg

Art Unit: 1634

PETITION FOR THE BENEFIT OF A
PRIOR FILED COPENDING
NONPROVISIONAL APPLICATION
UNDER 37 C.F.R. §1.78(A)(3)

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Applicants hereby petition for a claim for the benefit of a prior filed copending nonprovisional application. A reference to a prior filed copending nonprovisional application was unintentionally not submitted with the application at the time of filing.

Applicants request the benefit of a prior filed copending nonprovisional application and submit herewith (1) the petition fee pursuant to 37 C.F.R. §1.17(t), (2) a statement that the entire delay between the date the claim was due under 37 C.F.R.

§1.78(a)(2) and the date of filing the claim, was unintentional, (3) a copy of a previously submitted Request for Corrected Filing Receipt (mailed to PTO 8/22/02), (4) a Supplemental Application Data Sheet (clean copy) and a Supplemental Application Data Sheet with tracked changes (as compared with Initial ADS of 8/29/01).

REMARKS

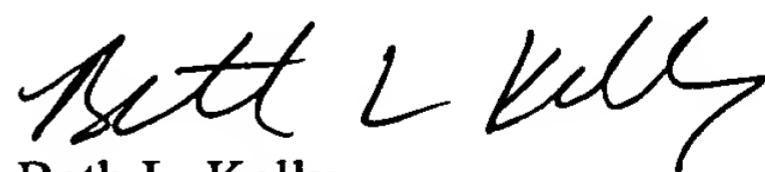
Applicants state that the entire delay in filing the claim for the benefit of priority of a prior filed copending nonprovisional application, from the due date for the claim under 37 C.F.R. §1.78(a)(2) until the filing of a grantable petition pursuant to 37 CFR 1.78(a)(3), was unintentional.

CONCLUSION

Because the entire delay in filing the claim for the benefit of priority of a prior filed copending nonprovisional application, from the due date for the claim under 37 C.F.R. §1.78(a)(2) until the filing of a grantable petition pursuant to 37 CFR 1.78(a)(3), including any delay from the date of discovery of the failure to submit the claim, was unintentional, Applicants ask for the Examiner's forbearance and respectfully request that the petition for the claim for the benefit of priority of a prior filed copending nonprovisional application be granted at an early date.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,


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